

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

JAMES A. WILSON, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 05-399-JJF
	)	
STANLEY TAYLOR, et al.,	)	
	)	
Defendants.	)	

**DEFENDANTS' MOTION FOR LEAVE TO DEPOSE PLAINTIFFS**

COME NOW State Defendants Stanley Taylor, Rick Kearney, and Mike Deloy, by and through undersigned counsel, and respectfully move this Honorable Court to enter an Order granting counsel the right to depose Plaintiffs James Wilson, Eldon Potts, Roderick Brown, Nathan Henry, James Johnson, Jerome Green, Frank Williams, Jose Serpa, and Anthony Morris ("Plaintiffs"), incarcerated individuals:

1. Plaintiff James Wilson is currently incarcerated at the Delaware Correctional Center in Smyrna, Delaware. All other plaintiffs are incarcerated at the Sussex Correctional Institute in Georgetown, Delaware.
2. Counsel for the Defendants wishes to depose Plaintiffs as part of discovery in this case.
3. The discovery deadline in this matter is June 30, 2007.
4. Fed. R. Civ. P. 30(a)(2) requires leave of the Court to depose an incarcerated individual.
5. A form of order is attached to this motion that grants Defendants' counsel the right to depose Plaintiffs.

WHEREFORE, Defendants respectfully request that this Honorable Court grant their Motion for Leave to Depose Plaintiffs James Wilson, Eldon Potts, Roderick Brown, Nathan Henry, James Johnson, Jerome Green, Frank Williams, Jose Serpa, and Anthony Morris.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Stacey Xarhoulakos  
Stacey Xarhoulakos, 4667  
Deputy Attorney General  
820 North French Street, 6th Floor  
Wilmington, DE 19801  
(302) 577-8400  
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Attorney for State Defendants

Dated: March 9, 2007

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

JAMES A. WILSON, et al.,	)	
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Plaintiffs,	)	
	)	
v.	)	C.A. No. 05-399-JJF
	)	
STANLEY TAYLOR, et al.,	)	
	)	
Defendants.	)	

**7.1.1 CERTIFICATE OF COUNSEL**

Undersigned counsel hereby certifies, pursuant to Local Rule 7.1.1, that:

1. Plaintiffs James Wilson, Eldon Potts, Roderick Brown, Nathan Henry, James Johnson, Jerome Green, Frank Williams, Jose Serpa, and Anthony Morris are currently incarcerated and it is not practical for undersigned counsel to communicate with them concerning Defendants' Motion for Leave to Depose Plaintiffs.
2. Therefore, undersigned counsel assumes that the Motion is opposed.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Stacey Xarhoulakos  
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	)	
STANLEY TAYLOR, et al.,	)	
	)	
Defendants.	)	

**ORDER**

This \_\_\_\_\_ day of \_\_\_\_\_, 2007,

**WHEREAS**, Defendants having requested leave to depose Plaintiffs James Wilson, Eldon Potts, Roderick Brown, Nathan Henry, James Johnson, Jerome Green, Frank Williams, Jose Serpa, and Anthony Morris pursuant to Fed. R. Civ. P. 30(a); and

**WHEREAS**, there being good cause shown for the granting of such motion;

**IT IS HEREBY ORDERED**, that Defendants' Motion for Leave to Depose Plaintiffs shall be granted and Defendants shall have the right to depose Plaintiffs.

\_\_\_\_\_  
United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on March 9, 2007, I electronically filed *Defendants' Motion for Leave to Depose Plaintiffs* with the Clerk of Court using CM/ECF. I hereby certify that on March 9, 2007, I have mailed by United States Postal Service, the document to the following non-registered participants:

James A. Wilson  
SBI # 163663  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

Eldon Potts, Inmate  
SBI # 211193  
Sussex Correctional Institution  
Post Office Box 500  
Georgetown, DE 19947

Frank Williams, Inmate  
SBI # 261867  
Sussex Correctional Institution  
Post Office Box 500  
Georgetown, DE 19947

James Johnson, Inmate  
SBI # 155123  
Sussex Correctional Institution  
Post Office Box 500  
Georgetown, DE 19947

Roderick Brown, Inmate  
SBI # 315954  
Sussex Correctional Institution  
Post Office Box 500  
Georgetown, DE 19947

Nathan Henry, Inmate  
SBI # 324881  
Sussex Correctional Institution  
Post Office Box 500  
Georgetown, DE 19947

Jerome Green, Inmate  
SBI # 147772  
Sussex Correctional Institution  
Post Office Box 500  
Georgetown, DE 19947

Jose Serpa, Inmate  
SBI # 350322  
Sussex Correctional Institution  
Post Office Box 500  
Georgetown, DE 19947

Anthony Morris, Inmate  
SBI # 300363  
Sussex Correctional Institution  
Post Office Box 500  
Georgetown, DE 19947

/s/ Stacey Xarhoulakos  
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